

**8710. Misbranding of Hobo Kidney and Bladder Remedy. U. S. \* \* \* v. 70 Dozen Bottles and 70 Dozen Bottles of Hobo Kidney and Bladder Remedy. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 517-C, 518-C. I. S. Nos. 429-t, 430-t.)

On July 15, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by an official of the Department of Public Health of the State of Oklahoma, filed in the District Court of the United States for said district libels for the seizure and condemnation of 70 dozen bottles and 70 dozen bottles of Hobo Kidney and Bladder Remedy, alleging that the article had been shipped by the Hobo Medicine Co., Shreveport, La., on or about June 5, 1920, and June 10, 1920, respectively, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libels for the reason that the cartons and labels and, in the shipment of June 5, a booklet, accompanying each bottle, bore and contained certain statements, designs, and devices, regarding the curative and therapeutic effects thereof, to wit, (carton) " \* \* \* Bright's Disease, acute and chronic cystitis, renal and vesical pus, or blood in urine, incontinence, albuminuria, and ailments caused from defective kidney and bladder elimination \* \* \* One of the greatest alteratives \* \* \* Backache, persistent headache, dizziness, forgetfulness, weakness and rheumatism when caused by disordered kidneys, the same being true of inflammation of the bladder," (bottle) " \* \* \* Kidney and Bladder Remedy. A vegetable compound for the treatment of Bright's disease, acute and chronic cystitis, renal and vesical pus, or blood in urine, incontinence and retention, albuminuria, and all ailments caused from defective kidneys and bladder elimination \* \* \*," (booklet, shipment June 5) " \* \* \* For nearly three years Mr. G. D. Horton \* \* \* was a sufferer from Bright's Disease in its most malignant form \* \* \* within three days \* \* \* Mr. Horton was greatly improved and within two months restored to health without any recurrence of the malady in the intervening years. \* \* \* it not only gave speedy relief to all the tortures which kidney and bladder affections entailed, such as incontinence of urine, gravel in the bladder, irritated glands, backache, kindred complaints, but that in many instances the cures were absolutely permanent \* \* \*," which were false and fraudulent, in that said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 15, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**8711. Adulteration of milk. U. S. \* \* \* v. Henry Pumpmeier. Plea of nolo contendere. Fine, \$75 and costs.** (F. & D. No. 10364. I. S. No. 9375-p.)

On October 9, 1919, the Grand Jurors within and for the State of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for the said district, returned an indictment in the District Court of the United States aforesaid against Henry Pumpmeier, Aviston, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on September 18, 1917, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water and insoluble foreign matter.

Adulteration of the article was charged, in substance, in the indictment for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for milk, which the article purported to be, and for the further reason that it consisted in whole or in part of a filthy animal substance.

On October 20, 1920, the defendant entered a plea of nolo contendere to the indictment, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8712. Adulteration of tomato pulp. U. S. \* \* \* v. 290, 1361, 1018, 1020, 1104, 785, 845, 1195, 1784, 1208, 1336, 1548, 1432, 1803, and 1131 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 11835, 11836, 11837, 11838, 11839, 11840, 11841, 11842, 11843, 11844, 11845, 11846, 11847, 11848, 11854. I. S. Nos. 8158-r, 8165-r, 8167-r, 8174-r, 8230-r, 8234-r, 8235-r, 8246-r, 11029-r, 8160-r, 8162-r, 8233-r, 8250-r, 11030-r, 8161-r. S. Nos. C-1622, C-1626, C-1627, C-1629, C-1631, C-1633, C-1634, C-1638, C-1640, C-1623, C-1625, C-1632, C-1639, C-1642, C-1624.)

On or about December 23 and 24, 1919, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of tomato pulp, contained in 5-gallon cans, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped and transported from the State of Indiana into the State of Michigan, as follows, 290 cans on or about November 12, 1918, and 1,361 cans on or about November 25, 1918, by the Rider Packing Co., Seymour, Ind., 1,018 cans on or about November 14, 1918, 1,020 cans on or about November 21, 1918, and 1,104 cans on or about December 3, 1918, by the Scottsburg Canning Co., Scottsburg, Ind., 785 cans, on or about November 5, 1918, by the Orestes Packing Co., Orestes, Ind., 845 cans and 1,195 cans on or about November 15, 1918, by the Alexandria Preserving Co., Alexandria, Ind., 1,784 cans on or about November 22, 1918, by the Arcadia Canning Co., Arcadia, Ind., 1,208 cans on or about October 26, 1918, 1,336 cans on or about October 29, 1918, and 1,548 cans on or about November 7, 1918, by the W. H. Dyer Co., Evansville, Ind., 1,432 cans on or about November 4, 1918, and 1,803 cans on or about November 17, 1918, by the English Canning Co., English, Ind., and 1,131 cans on or about October 17, 1918, by the Rider Packing Co., Crothersville, Ind., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance, namely, decomposed tomatoes and tomato pulp.

On May 13, 1920, the case having come on for final disposition, and the plaintiff, the United States, having appeared by the United States attorney, and the respondent, the Thomas Canning Co., by the Rider Packing Co., Scottsburg Canning Co., W. H. Dyer Co., Alexandria Preserving Co., Arcadia Canning Co., Orestes Packing Co., and English Canning Co., through their attorneys, and the said Thomas Canning Co. having entered no appearance in its own behalf, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the expenses of the proceedings be paid by the said Rider Packing Co., the Scottsburg Canning Co., the W. H. Dyer Co., the Alexandria Preserving Co., the Arcadia Canning Co., the Orestes Packing Co., and the English Canning Co., either jointly or severally.

E. D. BALL, *Acting Secretary of Agriculture.*